ST/SGB/Staff Rules/2/Rev.7/Amend.2
1 January 1993

SECRETARY-GENERAL'S BULLETIN

To: Members of the staff

Subject: STAFF RULES

1. Staff rules 200.1 to 212.7, applicable to staff members specifically recruited for service with technical cooperation projects, published in document ST/SGB/Staff Rules/2/Rev.7 and Corr.1 and Amend.1, are hereby amended as described below.

2. Rules 203.11 (b), Mobility and hardship allowance; 207.21, Insurance; 207.22, Travel advances; 209.8, Conditions governing payment of repatriation grant; 211.1 (a) and (c), Appeals; 212.7, Effective date and authentic texts of rules and appendix III (rule 211.1) are amended as indicated in the attached pages, to align these provisions with similar amendments in the 100 series of the Staff Rules.

3. New pages 22, 23, 52, 53, 61, 67, 70, 87, 88, 89 and 90 are transmitted for insertion in the 200 series Staff Rules.

Boutros BOUTROS-GHALI
Secretary-General

93-05430 5597a (E) 080293 19/02/93

Rule 203.10

Installation

(Cancelled)

Rule 203.10

Assignment grant

(a) Except for special mission service, project personnel who travel at United Nations expense to a duty station for an assignment expected to be of at least one year's duration shall be paid an assignment grant, subject to the conditions set forth below.

(b) The amount of the assignment grant shall be equivalent to:

(i) Thirty days of subsistence allowance at the daily rate applicable under rule 203.9 (a) above;

(ii) Thirty days of subsistence allowance at half such daily rate in respect of each family member for whom travel expenses have been paid by the United Nations under rule 207.2 (a) (i).

The above-mentioned amounts shall be calculated on the basis of the rate prevailing on the date of arrival at the duty station of the individual or of his or her family member.

(c) Under conditions established by the Secretary-General, the limit of thirty days provided in paragraph (b) above may be extended to a maximum of ninety days. The amount of the grant during the extended period shall be up to 60 per cent of the appropriate prevailing rate.

(d) In addition to any amount of grant paid under paragraph (b) above, a lump sum calculated on the basis of the project personnel's net base salary and, where appropriate, post adjustment at the duty station of assignment may be paid under conditions established by the Secretary-General. The lump sum shall be payable at the following rates:

(i) At headquarters duty stations and other designated duty stations, a lump sum equivalent to one month's net base salary and, where appropriate, post adjustment, provided the individual is not entitled to removal costs under staff rule 200.1 (a);

(ii) At all other duty stations:

a. Where the individual is entitled to removal costs under rule 200.1 (a), one month's net base salary and, where appropriate, post adjustment;

b. Where the individual is not entitled to removal costs, one month's net base salary and, where appropriate, post adjustment if the assignment is for less than three years, and two months' net base salary and, where approriate, post adjustment if the assignment is for three years or more.

If an assignment for less than three years is extended to three years or more, the staff member shall be paid at that time a second one-month lump sum.

(e) If a change of official duty station or a new appointment involves a return to a place at which the individual was previously stationed, the full amount of the assignment grant shall not be payable unless the individual has been absent from the place for at least one year. In the case of a shorter absence, the amount payable shall normally be that proportion of the full grant which the completed months of absence bear to one year.

(f) Where both husband and wife are employed by the United Nations and travel at United Nations expense to a duty station, and taking into account rule 204.7, the assignment grant shall be paid to each in respect of himself or herself. If they have a dependent child or children, the assignment grant in respect of such child or children shall be paid to the project personnel on whom each child is recognized to be dependent.

(g) If both husband and wife would otherwise qualify for the lump sum portion of the grant, such lump sum shall only be paid to the spouse whose lump sum portion yields the higher amount.

(h) In cases where project personnel have not completed the period of service in respect of which the assignment grant has been paid, the grant shall be adjusted proportionately and recovery made under conditions established by the Secretary-General who, in exceptional circumstances, may decide to waive recovery.

(i) The Secretary-General may, in appropriate cases, authorize payment of all or part of the assignment grant where the United Nations has not been required to pay travel expenses upon the appointment of project personnel.

Rule 203.11

Assignment allowance

(Cancelled)

Rule 203.11

Mobility and hardship allowance

(a) For the purpose of this rule, "assignment" means the initial appointment of project personnel or any subsequent movement to a new duty station for a period of one year or more.

(b) As an incentive to mobility and to compensate for hardship and non-removal of personal effects and household goods, a non-pensionable allowance composed of three elements - mobility, hardship and non-removal of personal effects and household goods - shall be payable to project personnel upon arrival at the new duty station subject to the conditions set out in paragraphs (c), (d) and (e) below.

(c) The mobility element of the allowance shall be payable provided that:

(i) The individual has served in the United Nations common system for a period of five consecutive years;

(ii) The individual is assigned to a second or subsequent duty station. However, in the case of service at headquarters duty stations or other designated duty stations, three previous assignments will be required, of which at least two should have been at duty stations classified at hardship levels established by the Secretary-General;

(iii) The assignment involves payment of the assignment grant.

The mobility element of the allowance shall become payable upon arrival at the new duty station and shall be discontinued or reduced under terms and conditions established by the Secretary-General.

(d) The hardship element of the allowance shall be payable to project personnel who are assigned to duty stations classified at hardship levels established by the Secretary-General. This element shall be payable for the duration of the individual's assignment according to the hardship classification of the duty station.

(e) (i) Except as provided in subparagraph (ii) below, the non-removal element shall be payable to project personnel, provided that an entitlement to assignment grant exists;

(ii) Project personnel listed in rule 200.1 (a) who have an entitlement to removal costs under rule 107.27 shall not be entitled to the non-removal element.

(f) For project personnel at the L-4 and L-5 levels entitled to the dependency rate, the amount of the mobility and hardship allowance shall be determined by applying to the base salary at the dependency rate for the L-4 level, step VI, the percentages in a matrix established by the Secretary-General. For staff at the L-1 to L-3 levels entitled to the dependency rate, such amount shall be reduced by 13 per cent; for staff at the L-6 and L-7 levels entitled to the dependency rate, such amount shall be increased by 13 per cent. The amounts payable at the single rate shall be 75 per cent of the amounts payable at the dependency rate.

Rule 203.12

Extension of tour of duty

When project personnel are assigned to a duty station for tours of duty of less than one year and are paid a daily subsistence allowance under rule 203.9, and their assignments are subsequently extended so that their total anticipated service will be one year or more at that duty station, the Secretary-General shall decide whether to continue to pay, for the balance of the tour of duty, the daily subsistence allowance, or to pay assignment grant under rule 203.10, mobility and hardship allowance under rule 203.11 and the post adjustment under rule 203.5.

Rule 203.13

Deductions and contributions

(a) There shall be deducted from the total payments due to project personnel:

(i) Staff assessment, at the rates and subject to the conditions prescribed in staff regulation 3.3 and rule 203.4;

(ii) Contributions to the United Nations Joint Staff Pension Fund, if the individual is a participant under rule 206.1.

(b) Deductions from salaries and other emoluments may also be made for:

(i) Other contributions for which provision is made under these rules;

(ii) Indebtedness to the United Nations;

(iii) Indebtedness to third parties when any deduction for this purpose is authorized by the Secretary-General;

(iv) Lodging provided by the United Nations, by a Government or by a related institution.

Rule 203.14

Salary advances

(a) Salary advances may be made to staff members under the following circumstances:

(i) When they are initially appointed, in the amount of the salary due for their first month of service under rule 203.1 after deduction of staff assessment under rule 203.4;

(ii) When through no fault of their own, they do not receive their regular monthly payment, in the amount due;

(iii) Upon separation pending final settlement of pay accounts and subject to the advance not exceeding 80 per cent of the estimated final net payment due;

(iv) When they are assigned to a new duty station, in such amount as, in the opinion of the Secretary-General, is appropriate;

(v) Upon departure for extended official travel or for approved leave involving absence from duty for more than one month in the amount that would fall due for payment during the anticipated period of absence.

(i) When the shipment of personal effects or household goods is authorized under paragraph (e) or (f) of this rule:

(i) Shipment shall be made in one consignment unless otherwise warranted, in the opinion of the Secretary-General, by exceptional circumstances;

(ii) Shipment shall normally be made between the place of recruitment or of home leave and the duty station. Where shipment is authorized between any other place and the duty station, payment of transportation expenses shall not exceed the normal entitlement;

(iii) Reasonable costs of packing, crating, unpacking and uncrating shall be allowed for shipments within the authorized limits, except that costs for servicing of appliances, dismantling or erection of fixtures or costs of special packing shall not be borne by the United Nations;

(iv) Storage charges, other than those incidental to transportation expenses, shall not normally be allowed; and

(v) Privately owned vehicles may not be transported in lieu of personal effects and household goods under paragraphs (e) and (f) of this rule.

(j) Project personnel and their eligible family members on home leave travel, family visit travel or education grant travel by air or by land may be authorized an unaccompanied shipment of personal effects by a surface mode of transportation up to a maximum, including the weight or volume of packing but excluding crating and lift vans, of:

(i) 50 kilograms (110 pounds) or 0.31 cubic metres (11 cubic feet) per person in respect of each journey, except as provided in subparagraph (ii) below. At the request of the individual, this entitlement may be converted to 10 additional kilograms of accompanied excess baggage or its equivalent as established by the Secretary-General;

(ii) 200 kilograms (440 pounds) or 1.24 cubic metres (44 cubic feet), in respect of the first outward journey to, and the final return journey from, an educational institution on education grant travel.

Shipments under this paragraph shall be made in one consignment. When the authorized travel is by air, the whole entitlement may be converted to air freight on the basis of the one-half rule. No costs for packing, crating, unpacking and uncrating will be paid for such shipments, but reasonable costs will be paid for cartage.

(k) In addition to the shipment of personal effects and household goods under this rule, the cost of transporting a privately-owned automobile to a duty station may be partially reimbursed under conditions established by the Secretary-General, provided that the duty station to which the automobile is transported is one of the duty stations designated for that purpose and that the assignment of project personnel to the duty station is expected to be for

a period of two years or more or that the initial assignment for a lesser period is extended so that the total period of assignment becomes two years or more.

(l) Notwithstanding the one-half rule laid down in paragraphs (g) and (j) above, conversion to air freight on the basis of the full weight or volume may be authorized in the following cases:

(i) Where the cost of air freight is lower than surface shipment;

(ii) Where there is an extraordinary risk of damage to, or loss of, the shipment in transit; or

(iii) Where an excessive shipping delay is expected, particularly for shipment to land-locked countries.

However, for surface shipments under paragraph (j) conversion on the basis of the full weight or volume may be authorized only in the cases indicated in subparagraphs (i) and (ii) above.

(m) Under terms and conditions established by the Secretary-General, project personnel serving at designated duty stations having very difficult conditions of life and work shall be granted once a year an additional shipment entitlement to the duty station by surface means of up to 50 kilograms (110 pounds) or 0.31 cubic metres (11 cubic feet) excluding crating, in respect of the individual and each eligible family member accompanying him or her at the duty station.

Rule 207.21

Insurance

(a) Project personnel shall not be reimbursed for the cost of personal accident insurance or of insurance of accompanied personal baggage. However, compensation may be paid in respect of losses of accompanied personal baggage in accordance with such arrangements as may be in force under rule 206.6.

(b) In the case of personal effects and household goods shipped under rule 207.20 (e) or (f), the United Nations will arrange for commercial insurance coverage up to a maximum of:

(i) $16,000 for the staff member;

(ii) $8,000 for the first eligible family member;

(iii) $4,800 for each additional family member.

Such insurance coverage shall not include articles of value for which special premium rates are charged. The United Nations will not be responsible for loss or damage to unaccompanied baggage.

(c) In the case of personal effects and household goods shipped under rule 207.20 (e) or (f), project personnel shall furnish the United Nations, prior to shipment, with a valued inventory in duplicate of all articles shipped, including all containers such as suitcases as well as their contents, and the replacement value in United States dollars of each article in the shipment. If no inventory is furnished, no insurance coverage will be provided.

(d) Insurance coverage above the maxima established in paragraph (b) above and for articles of value for which special premium rates are charged will only be provided by the United Nations at the express request of the project personnel and at their own expense.

Rule 207.22

Travel advances

(a) Project personnel authorized to travel shall provide themselves with sufficient funds for all current expenses by securing an advance of funds if necessary. A reasonable advance of funds against the estimated reimbursable travel expenses may be made to project personnel or their family members for expenses authorized under these Rules. An advance of funds shall be considered reasonable if not more than 80 per cent of the estimated reimbursable expenditures. If, in the course of travel, project personnel have earned in subsistence allowance an amount equal to the amount advanced, they may be advanced the balance of the estimated reimbursable expenses. No advance shall be made in the case of travel by automobile.

(b) However, in those cases where project personnel are authorized to travel in accordance with staff rule 207.1 (a) (ii), an advance of funds at the rate of 100 per cent of the estimated travel subsistence allowance payable in accordance with staff rule 207.3 (iii) may be made.

Rule 207.23

Transportation of decedents

Upon the death of project personnel or of an eligible family member, the United Nations shall pay the expenses of transportation of the body from the place of death to a place to which they are entitled to return transportation under rule 207.1 or 207.9. These expenses shall include reasonable costs for preparation of the body. If local interment is elected, reasonable expenses incurred for the interment may be reimbursed.

Rule 207.24

Loss of entitlement to travel expenses and unaccompanied shipment

(a) The Secretary-General may reject any claim for payment or reimbursement of expenses for travel or unaccompanied shipment which are incurred by project personnel in contravention of any provisions of these rules.

(b) Project personnel who resign before completing one year of service or within six months following the date of return from home leave or family visit travel shall not be entitled to payment of travel expenses on separation for themselves or their family members.

(c) Entitlement to expenses for return travel or unaccompanied shipment shall cease if travel or shipment has not commenced within six months after the date of separation from service. However, where both husband and wife are employed by the United Nations and the spouse who separates first is entitled to return travel or unaccompanied shipment, and taking into account rule 204.7, his or her entitlement shall not cease until six months after the date of separation of the other spouse.

(d) When return travel is delayed by project personnel for personal convenience, any resulting cost of revalidating the return portion of tickets shall be borne by project personnel.

(e) The Secretary-General may authorize exceptions to paragraphs (b) and (c) above if he is satisfied that there are compelling reasons for so doing.

(i) A dependent child, for the purpose of repatriation grant, shall mean a child recognized as dependent under rule 203.7 (b) at the time of the individual's separation from service. The repatriation grant shall be paid at the rate for a staff member with a spouse or dependent child to eligible project personnel regardless of the place of residence of the spouse or dependent child.

(j) Where both husband and wife are employed by the United Nations or by a specialized agency and each is entitled, on separation, to payment of a repatriation grant, and taking into account rule 204.7, payment shall be made to each, at single rates, according to their respective entitlements, provided that, where dependent children are recognized, the first parent to be separated may claim payment at the rate applicable to a staff member with a spouse or dependent child. In this event, the second parent, on separation, may claim payment at the single rate for the whole period of qualifying service or, if eligible, at the rate applicable to a staff member with a spouse or dependent child for the whole period of his or her qualifying service, from which shall normally be deducted the amount difference between the dependency rate and the single rate of the repatriation grant paid to the first parent.

(k) Loss of entitlement to payment of return travel expenses under rule 207.24 shall not affect project personnel's eligibility for payment of the repatriation grant.

(l) In the event of the death of project personnel, no payment of repatriation grant shall be made unless there is a surviving spouse or one or more dependent children. If there is one such survivor, payment of repatriation grant shall be made at the single rate to the survivor; if there are two or more such survivors, payment of repatriation grant shall be made at the rate applicable to a staff member with a spouse or dependent child and shall be paid to the survivors in such proportions as may have been specified by the deceased, or in the absence of such designation, in equal proportions.

(m) Payment of repatriation grant shall normally be made in the currency of the established country of residence.

Rule 209.9

Commutation of accrued annual leave

If, upon separation, project personnel have accrued annual leave, they shall be paid in lieu thereof a sum of money in commutation of the period of such accrued leave up to a maximum of forty-five days in the case of service of two years or less, or sixty days in the case of longer service. The payment shall be calculated on the basis of the individual's net base salary plus post adjustment, according to the schedule of rates set forth in staff regulation 3.3 (b) (i).

Rule 209.10

Restitution of advance annual and sick leave

(a) On separation, project personnel who have taken advance annual or sick leave beyond the amount actually earned and accrued while in service shall be required to make restitution for such advance leave by means of a cash refund.

(b) The Secretary-General may waive this requirement if he is satisfied that there are compelling reasons for doing so.

Rule 209.11

Last day for pay purposes

(a) When project personnel are separated from service, the date on which entitlement to salary, allowances and benefits shall cease shall be determined according to the following provisions:

(i) Upon resignation, the date shall be either the date of expiration of the notice period under rule 209.1 or such other date as the Secretary-General accepts;

(ii) Upon expiration of a fixed-term appointment, the date shall be the date specified in the letter of appointment;

(iii) Upon termination, the date shall be the date provided in the notice of termination;

(iv) In the case of summary dismissal, the date shall be the date of dismissal;

(v) In the case of death, the date on which entitlement to salary, allowances and benefits shall cease shall be the date of death, except in the case of project personnel who are survived by a spouse or a child recognized as dependent under rule 203.7 (b). In this event, the date shall be determined in accordance with the following schedule:

Length of service	Months of extension beyond date of death
3 years or less	3
4 years	4
5 years	5
6 years	6
7 years	7
8 years	8
9 years or more	9

Chapter XI

APPEALS

Rule 211.1

Appeals

(a) The appropriate Joint Appeals Board to be determined in accordance with rule 111.2 (d) shall consider and advise the Secretary-General regarding appeals filed under the terms of staff regulation 11.1 by project personnel against an administrative decision alleging non-observance of their terms of appointment, including all pertinent regulations and rules, or against disciplinary action.

(b) Rule 111.1 on establishment and rule 111.2 on appeals shall apply to project personnel.

(c) Project personnel serving away from Headquarters may meet the time-limits specified in paragraph (a) of rule 111.2 by delivering the letter addressed to the Secretary-General and the appeal submitted to the Secretary of the Joint Appeals Board within the respective specified periods to an office of the United Nations for transmission to Headquarters.

(The text of rules 111.1 and 111.2 is reproduced as appendix III to the present Rules.)

Rule 211.2

Administrative Tribunal

(a) Under staff regulation 11.2, project personnel may apply to the United Nations Administrative Tribunal alleging non-observance of their terms of appointment, including all pertinent regulations and rules, in accordance with the provisions of the Statute of the Tribunal.

(b) An application to the Tribunal shall not be receivable unless the applicant has previously submitted the dispute to the Joint Appeals Board under rule 211.1 and the Board has communicated its opinion to the Secretary-General, except where the Secretary-General and the applicant have agreed to submit the application directly to the Tribunal.

Article XII

GENERAL PROVISIONS

Regulation 12.1: These regulations may be supplemented or amended by the General Assembly, without prejudice to the acquired rights of staff members.

Regulation 12.2: Such staff rules and amendments as the Secretary-General may make to implement these regulations shall be provisional until the requirements of regulations 12.3 and 12.4 below have been met.

Regulation 12.3: The full text of provisional staff rules and amendments shall be reported annually to the General Assembly. Should the Assembly find that a provisional rule and/or amendment is inconsistent with the intent and purpose of the Regulations, it may direct that the rule and/or amendment be withdrawn or modified.

Regulation 12.4: The provisional rules and amendments reported by the Secretary-General, taking into account such modifications and/or deletions which may be directed by the General Assembly, shall enter into full force and effect on 1 January following the year in which the report is made to the Assembly.

Regulation 12.5: Staff rules shall not give rise to acquired rights within the meaning of regulation 12.1 while they are provisional.

Chapter XII

GENERAL PROVISIONS

Rule 212.1

Amendment of, and exceptions to, Staff Rules

(a) Subject to staff regulations 12.1, 12.2, 12.3, 12.4 and 12.5, the present rules may be amended by the Secretary-General in a manner consistent with the Staff Regulations.

(b) Exceptions to the present rules may be made by the Secretary-General provided that such exception is not inconsistent with any staff regulation, and provided further that it is agreed to by the individual directly affected and is, in the opinion of the Secretary-General, not prejudicial to the interests of other project personnel.

Rule 212.2

Financial responsibility

Project personnel may be required to reimburse the United Nations either partially or in full for any financial loss suffered by the United Nations as a result of their negligence or of their having violated any regulation, rule or administrative instruction.

Rule 212.3

Liability insurance

Project personnel who own or drive automobiles shall carry public liability and property damage insurance in an amount adequate to insure them against claims arising from injury or death to other persons or damage to the property of others, caused by their automobiles.

Rule 212.4

Beneficiaries

(a) At the time of appointment, project personnel shall nominate a beneficiary or beneficiaries in writing in a form prescribed by the Secretary-General. It shall be the responsibility of project personnel to notify the Secretary-General of any revocations or changes of beneficiaries.

(b) In the event of the death of the individual, all amounts standing to his or her credit will be paid to his or her nominated beneficiary or beneficiaries subject to application of the present rules. Such payment shall afford the United Nations a complete release from all further liability in respect to any sum so paid.

(c) If a nominated beneficiary does not survive or if a designation of beneficiary has not been made or has been revoked, the amount standing to the credit of the individual shall upon his or her death be paid to his or her estate.

Rule 212.5

Retroactivity of payments

Project personnel who may not have been receiving any allowances, grants or other payments due under the present rules shall not be entitled to receive such allowances, grants or other payments retroactively, unless a written claim has been submitted within one year of the date when the initial payment would otherwise have been due.

Rule 212.6

Proprietary rights

All rights, including title, copyright and patent rights, in any work performed by project personnel as part of their official duties shall be vested in the United Nations.

Rule 212.7

Effective date and authentic texts of rules

Except as otherwise indicated and subject always to the provisions of regulations 12.1, 12.2, 12.3, 12.4 and 12.5, rules 200.1 to 212.7 as published in the present revised edition (ST/SGB/Staff Rules/2/Rev.7/Amend.2) shall be effective 1 January 1993 and shall supersede all previous rules applicable to project personnel. The English and French texts of these rules are equally authoritative.

(f) Each Joint Appeals Board may, by a majority vote of all its chairpersons and members, recommend to the Secretary-General changes in the present chapter of the Staff Rules.

(g) The secretariat of each Joint Appeals Board shall consist of a Secretary and such other staff as may be required for its proper functioning.

Rule 111.2

Appeals

(a) A staff member wishing to appeal an administrative decision, pursuant to staff regulation 11.1, shall, as a first step, address a letter to the Secretary-General, requesting that the administrative decision be reviewed; such a letter must be sent within two months from the date the staff member received notification of the decision in writing.

(i) If the Secretary-General replies to the staff member's letter, he or she may appeal against the answer within one month of the receipt of such reply;

(ii) If the Secretary-General does not reply to the letter within one month in respect of a staff member stationed in New York, or within two months in respect of a staff member stationed elsewhere, the staff member may appeal against the original administrative decision within one month of the expiration of the time-limit specified in this subparagraph for the Secretary-General's reply.

(b) The Secretary-General, in reviewing the administrative decision in question, may, with the consent of the staff member or at the latter's request, seek the assistance of a chairperson or member of the appropriate Joint Appeals Board, to be designated by its presiding officer, with a view to reaching a conciliatory conclusion of the matter. This procedure is without prejudice to the right of the staff member to pursue an appeal under the provisions of this rule.

(c) Neither a request for administrative review under paragraph (a) above, nor the filing of an appeal under paragraph (d) below shall have the effect of suspending action on the contested decision.

(i) However, the staff member concerned may request a suspension of action on such decision by writing to the Secretary of the appropriate Joint Appeals Board under paragraph (d) below. The request shall set forth the relevant facts and indicate how implementation would directly and irreparably injure the staff member's rights;

(ii) Upon receipt of such a request, a panel of the Board shall be promptly constituted, and shall act expeditiously. If the panel, after considering the views of both parties, determines that the decision has not been implemented, and that its implementation would result in irreparable injury to the appellant, it may recommend to the Secretary-General the suspension of action on that decision:

a. Until the time-limits specified in subparagraph (a) (i) or (ii) have passed without an appeal having been filed, or

b. If an appeal is filed, until a decision on the appeal is taken;

(iii) The Secretary-General's decision on such a recommendation is not subject to appeal.

(d) An appeal pursuant to paragraph (a) or a request for suspension of action pursuant to paragraph (c) above shall be filed with the Secretary of the appropriate Joint Appeals Board, to be determined as follows:

(i) With respect to staff members serving at a duty station at which a Board has been established or who are administered by organizational units located at such duty station, it shall be the Board;

(ii) With respect to former staff members who last served at a duty station at which a Board has been established or who were administered by organizational units located at such a duty station, it shall be that Board;

(iii) With respect to all other staff members and all other former staff members, it shall be the Board established in New York, provided that the Secretary-General may decide, at the request of the staff member, to refer the appeal to another one of the Boards or to establish an appropriate ad hoc body. Such staff members or former staff members may meet the time-limits specified in subparagraphs (a) (i) or (ii) by delivering the requisite submissions within such limits to any office of the United Nations for transmission to the appropriate Board.

(e) (i) For the consideration of each appeal, the presiding officer of the appropriate Joint Appeals Board shall constitute a panel of the Board, composed as follows:

a. A panel chairperson from among the chairpersons of the Board;

b. A member selected from among those appointed by the Secretary-General;

c. A member selected from among those elected by the staff;

(ii) In constituting such panels, the maximum possible rotation of chairpersons and members of the Board shall be observed: the modalities of such rotation shall be specified in the rules of procedure of the Board. No person who has assisted the Secretary-General in a conciliation procedure referred to in paragraph (b) shall serve on a panel established to consider an appeal relating to the same case;

(iii) Before a panel undertakes consideration of an appeal, the parties shall be notified of the proposed composition thereof. The presiding officer of the Board may, at the request of either party, disqualify the chairperson or either member if, in the opinion of the presiding officer, such action is warranted to ensure impartiality. He or she may also excuse the chairperson or either member from serving on the panel;

(iv) Subject to the principles set out in subparagraphs (i) to (iii), the presiding officer of the Board shall fill any vacancies arising on the panel.

(f) An appeal shall not be receivable unless the time-limits specified in paragraph (a) above have been met or have been waived, in exceptional circumstances, by the panel constituted for the appeal.

(g) At the duty station where the appeal is considered, the designated representative of the Secretary-General shall submit a written reply within two months following the date of receipt of the appeal.

(h) Proceedings before a panel shall normally be limited to the original written presentation of the case, together with brief statements and rebuttals, which may be made orally or in writing, in one of the working languages of the Secretariat.

(i) A staff member may arrange to have his or her appeal presented to the panel on his or her behalf by another serving or retired staff member. The staff member may not, however, be represented before the panel by any other person.

(j) Where the competence of the Joint Appeals Board is in doubt, the panel constituted for the appeal shall decide.

(k) In the case of termination or other action on grounds of inefficiency or relative efficiency, the panel shall not consider the substantive question of efficiency but only evidence that the decision was motivated by prejudice or by some other extraneous factor.

(l) The panel shall have authority to call members of the Secretariat who may be able to provide information concerning the issues before it and shall have access to all documents pertinent to the case. Notwithstanding the preceding sentence, should the panel wish to have information or documents relating to the proceedings of the appointment and promotion bodies in questions involving appointment and promotion, it shall request such information or documents from the Chairperson of the Appointment and Promotion Board, who shall decide on the panel's request, taking into account the interests of confidentiality. This decision of the Chairperson is not subject to appeal. The Chairperson of the panel shall determine which documents are to be transmitted to all members of the panel and the parties.

(m) In considering an appeal, the panel shall act with the maximum dispatch consistent with a fair review of the issues before it.

(n) Within one month of the date on which the consideration of an appeal has been completed, the panel shall, by majority vote, adopt and submit a report to the Secretary-General. The report shall be considered as constituting a record of the proceedings in the appeal and may include a summary of the matter as well as all recommendations that the panel considers appropriate. Votes on the recommendations shall be recorded and any member of the panel may have his or her dissenting opinion included in the report.

(o) The final decision on the appeal will normally be taken by the Secretary-General within one month after the panel has forwarded its report, and shall be communicated to the staff member, together with a copy of the panel's report. The Secretary-General's decision and a copy of the panel's report shall also be transmitted to a designated officer of the staff representative body or bodies at the duty station at which the Joint Appeals Board is established, unless the staff member objects.

(p) To enable staff members to exercise their right to make application to the Administrative Tribunal under article 7, paragraphs 2 (b) and (c), of its statute, the Secretary of the Joint Appeals Board concerned shall, at the request of the staff member, communicate to him or her the report of the panel, if the Secretary-General has not made a decision upon the report within a period of one month after the date on which the report was submitted to him.

Rule 111.3

(Cancelled)